

# TOWN OF COTTESLOE



## FULL COUNCIL MEETING MINUTES

ORDINARY MEETING OF COUNCIL  
HELD IN THE  
Council Chambers, Cottesloe Civic Centre  
109 Broome Street, Cottesloe  
7.00 PM, Monday, 23 April, 2012

28 May 2012

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**1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS**

The Mayor announced the meeting opened at 7:00 PM.

**2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE  
(PREVIOUSLY APPROVED)**

**Elected Members**

Mayor Kevin Morgan	Presiding Member
Cr Jack Walsh	
Cr Greg Boland	
Cr Katrina Downes	
Cr Yvonne Hart	
Cr Sally Pyvis	
Cr Peter Jeanes	
Cr Rob Rowell	
Cr Victor Strzina	

**Officers**

Mr Carl Askew	Chief Executive Officer
Mr Mat Humfrey	Manager Corporate & Community Services
Mr Geoff Trigg	Manager Engineering Services
Mr Andrew Jackson	Manager Development Services
Mrs Lydia Giles	Executive Officer

**Apologies**

Nil

**Officer Apologies**

Nil

**Leave of Absence (previously approved)**

Nil

**3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**4 PUBLIC QUESTION TIME**

Nil

**5 PUBLIC STATEMENT TIME**Mr. Jay Birnbrauer, 64 Napier Street, Cottesloe – Re. Cottesloe Foreshore Development Plan

Mr Birnbrauer expressed his disgust with the local member for Cottesloe and the State Government for over-ruling Council's proposed LPS3. He thanked the Mayor and Council for developing a good plan and referred to the lengthy and expensive process that the Town had gone through to develop its planning scheme, including a petition with 15,000 signatures, the majority from outside Cottesloe. The State Government has never defended or justified its plan but has just imposed it on us. It is not what we wanted and this outcome is very discouraging. In addition, the impacts of the proposed changes on infrastructure and increasing traffic now fall to Council to resolve as the State has no plan to address them.

Ms. Patricia Carmichael, 14 – 116 Marine Parade, Cottesloe – Re. Cottesloe Foreshore Development Plan

Ms Carmichael was shocked to find out what the government has done to the foreshore plan. It has been a long battle and it was the view of the people not only in Cottesloe but also across the state, interstate and international, and they like Cottesloe the way it is and do not want high rise development. Mr Barnett has disregarded the people's democratic rights and Ms Carmichael pointed out the previous forums, workshops and submissions which now appear only a façade, that has cost the community unnecessary time and resources. The government has sided with big business and property developers. Ms Carmichael asked; What is the legacy for future generations on this prime beachfront site and will it suffer from low quality buildings and poor design and why did the government bother to put everyone through this process just to overrule the outcome.

Mr. Chris Wiggins, 50 John Street, Cottesloe – Re. Cottesloe Foreshore Development Plan

Mr Wiggins thanked Council for fighting hard to represent Cottesloe and preserve the State's pre-eminent beach-front with its unique coastal village character. The proposed development requires a high level of local community support and fair "due process".

The Minister's announcement provides for fundamental changes and represents weak planning methodology in that it does not have community support or follow resident/visitor wishes to preserve existing height limits. Increased building height should only be accepted if quality of design is guaranteed rather than development for developer's sake. The proposed scheme fails to require developers to contribute to improve beach amenity and instead offers building concessions. In relation to the OBH site the plan fails to comply with Planning Bulletin 83.

The overriding of direct community and/or local government views should only be taken in extraordinary circumstances and only which the statutory process is not followed. Recent planning changes introduced by the State Government appear to be at the behest of the property industry. In addition the Council has no avenue for appeal and the new planning rules do not provide adequate controls over aspects such as appearance, building material, design, etc. and this has been evident at other places such as Leighton, Scarborough and South Beach.

Whether this decision is open to legal challenge needs to be considered and SOS would support such action if required. This matter could also be taken to the public domain by Council refusing to “rubber stamp” the Minister’s decision. Should Council wish to do this Mr Wiggins is confident other Councils would support it but before taking action Council must consider if it has grounds to do so. In short, there is much to be done to ensure Cottesloe gets a good outcome as what is proposed will set a precedent for future developments in and outside Cottesloe. Cottesloe deserves better than what we have before us now.

Note: At the end of the Public Statement time Mr Wiggins provided a copy of his statement for circulation to all Elected Members.

## **6 APPLICATIONS FOR LEAVE OF ABSENCE**

**Moved Cr Rowell, seconded Cr Strzina**

**That Cr Rowell request for leave of absence from the May round of meetings be granted.**

**Carried 9/0**

## **7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**Moved Cr Strzina, seconded Cr Walsh**

[Minutes March 26 2012 Council.DOC](#)

**The Minutes of the Ordinary meeting of Council held on Monday, 26 March, 2012 be confirmed.**

**Carried 9/0**

## **8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

The Mayor thanked members of the public who came along to voice their concerns at the minister’s decision with regard to Local Planning Scheme 3 and continued as follows:

What has Mr Barnett and his supporters achieved by their Cottesloe Intervention?

Firstly, the State Government’s intervention has involved them refusing to progress our new scheme for 6 years, blame us for this lack of progress, then take all the credit for progress when they eventually do make a decision 6

years overdue. They have by their intervention essentially manufactured from thin air the delay they now use to justify or mask their real reasons for overriding us.

Secondly, the intervention has given us 6 years of delay to not only beachfront developments but across all of Cottesloe.

In exchange for all this delay what has the intervention now finally delivered? Apart from very handsome windfall profits for the lucky few, and any benefactors no doubt, the remainder of us get the opportunity in perpetuity to forever gaze upon these 2 to 3 extra 'bonus' storeys of penthouse enclaves. Contrary to what Mr Barnett would have everyone believe, these 2 to 3 storey bonuses will not in anyway whatsoever translate into additional redevelopments occurring, or better building designs, or better public facilities such as bars or cafes, or less anti-social behavior, than the EbD found would have occurred in any event under its low-rise plan that he has stalled and now overridden (to get things moving).

It appears that Mr Barnett like others before him has mistakenly understood that this height issue can be solved by compromising between two opposing numbers of storeys.

His approach of compromise masks a failure to appreciate that the EbD outcomes are empirical absolutes, beyond which you risk forever losing ingredients essential to what makes this beach so magic to so many.

What I said during our 10 minute presentation to the Minister's Planning Committee, is that Cottesloe Beach deserved to get the benefit of the doubt unless they had empirical evidence that their height increases would not have adverse impacts.

The extra population accommodated by these Bonus Storeys was found by the EbD to be better accommodated not atop this sundrenched recreation precinct, but rather on vacant government land surrounding Cottesloe railway station, linked to the beach by high frequency public transport.

The Barnett Government's lack of dialogue is most concerning. I will circulate to elected members my letter to the WAPC chairman on my concerns in that regard. If the Barnett Government has good reason for their intervention then I'm sure we would have heard it by now rather than having to keep threatening FOI requests to find out any reason they may have for the decision.

By ignoring the EbD rationale and instead pushing heights above these absolute limits, Mr Barnett may have also abandoned there being any grounds left to in future to resist these heights being increased even further. Hence, over coming decades, building heights on Cottesloe Beach can be expected to increase by gradual accretion towards Gold Coast heights.

Ironically this single-handed trashing of an iconic beach of the world will serve as a permanent reminder of the dangers inherent in Mr Barnett's unbridled

centralization of the planning powers that he stripped from grassroot local council democracies who previously shared these powers.

Sadly, only in WA could Mr Barnett have accurately predicted years ago that unless his personal preference of 5 storeys was accepted then the end result would be worse, as has now come to pass following his announcement that we get not just 5 storeys but 6 and 8 storeys also.

The reality is that the Barnett Bonus Storeys will rob a significant portion of the public of the benefits they each derive from Cottesloe Beach's low-rise nature, to which many of them have attested in polls, submissions and petitions to date. His intervention reduces not enhances public benefit.

This ham-fisted takeover by Mr Barnett's new centralized planning regime will homogenize Cottesloe Beach into becoming just another shade of beige as far as beachfronts go. The EbD low-rise plan represents the diversity that Perth desperately needs, despite attempts to paint it as more Dullsville.

We owe it to all future generations of Western Australians to do everything we can to challenge this decision. At very least we must lock in height limits so they can never be exceeded. At best we get the intervention reversed.

The process has been corrupted. The Barnett Government gave its verdict to overturn the umpire's EbD decision but without giving any reasons for its decision, without us even getting to hear the case against us even though the judge and jury government also wrote that hidden case against us, and without us getting to test any empirical evidence they have for their case.

I apologise for getting in the way of the Premier and his entourage during their media announcement. I was waiting to be interviewed and the rather heavy handed way I was treated by the Police and staff from the Local Member's officer was unnecessary. I was asked to move because it didn't look good for the camera shot of the Premier, and it was made clear that arrest was an option if I did not obey the order. A member of the Premier's staff also asked me to move. I had been standing there for sometime before the order was given, and was allowed to remain there but only after a journalist pointed out I was the Mayor of Cottesloe. Sadly, this treatment of me was as high-handed as the Barnett Government's treatment of the Town of Cottesloe.

My recent letter about our treatment at the WAPC presentation will be circulated shortly to elected members for their information.

Thank you for your patience as we now work through the repercussion's of the Minister's decision and to those members of the public who attended tonight to express their disappointment.



**8.1 SUSPENSION OF STANDING ORDER 12.1 – MEMBERS TO RISE****BACKGROUND**

At the September 2006 meeting of Council it was agreed that the suspension of Standing Order 12.1 be listed as a standard agenda item for each Council and Committee meeting.

Standing Orders 12.1 and 21.5 read as follows:

**Members to Rise**

Every member of the council wishing to speak shall indicate by show of hands or other method agreed upon by the council. When invited by the mayor to speak, members shall rise and address the council through the mayor, provided that any member of the council unable conveniently to stand by reason of sickness or disability shall be permitted to sit while speaking.

**Suspension of Standing Orders**

- (a) The mover of a motion to suspend any standing order or orders shall state the clause or clauses of the standing order or orders to be suspended.
- (b) A motion to suspend, temporarily, any one or more of the standing orders regulating the proceedings and business of the council must be seconded, but the motion need not be presented in writing.

**COUNCIL RESOLUTION:**

**Moved Cr Strzina, seconded Cr Walsh**

**That Council suspend the operation of Standing Order 12.1 which requires members of Council to rise when invited by the Mayor to speak.**

**Carried 9/0**

**9 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

**CONSIDERATION OF REPORTS BY COUNCIL**

The Mayor advised that the Council process for considering reports was that members would advise him of items that they required to be “withdrawn” for further discussion and that all remaining reports would then be moved “en bloc” as per the Committee recommendation.

For the benefit of the members of public present, the Mayor determined to consider the following items first:

The Following Items from Development Services Committee Were Withdrawn For Consideration

- 11.1.2 Preliminary Report on Heritage List for Local Planning Scheme No. 3

The Remainder of the Officer Reports from Development Services Committee were Dealt With 'En Bloc'.

11.1.1 Metropolitan Region Scheme (MRS) Amendment – Rationalisation of Stirling Highway Reservation

11.1.3 CBD and Town Centre Design and Development Conference – Sydney, May 2012

The Following Items From Works & Corporate Services Committee Were Withdrawn For Consideration

11.2.6 Seaview Golf Club Management Plan

11.2.7 Pedestrian Light Controlled Crossing Proposal - Curtin Avenue / Forrest Street Intersection, Cottesloe

11.2.8 Request for Expansion of Grant Marine Park and Road Closure

The Remainder of the Officer Reports from Works & Corporate Services Committee were Dealt With 'En Bloc'.

11.2.1 Tender – IT Services for The Town of Cottesloe (Rft 01/2012)

11.2.2 TAPSS Community Care Inc. Operating Budget for 2012 / 2013

11.2.3 Draft Library Budget for 2012/2013

11.2.5 Town of Cottesloe Dogs Amendment Local Law 2012

11.2.9 Statutory Financial Reports for the Period 1 July 2011 to 31 March 2012

11.2.10 List of Accounts Paid for the Month of March 2012

11.2.11 Schedules of Investments and Loans as at 31 March 2012

11.2.12 Property and Sundry Debtors Reports as at 31 March 2012

**10 REPORTS OF OFFICERS**

Nil

**11 REPORTS OF COMMITTEES****11.1 DEVELOPMENT SERVICES COMMITTEE MINUTES - 16 APRIL 2012****11.1.1 METROPOLITAN REGION SCHEME (MRS) AMENDMENT –  
RATIONALISATION OF STIRLING HIGHWAY RESERVATION**

**File No:** SUB/1058  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Ed Drewett  
Senior Planning Officer

**Proposed Meeting Date:** 16 April 2012

**Author Disclosure of Interest:** Nil

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**PURPOSE**

The purpose of this report is to provide Council with an overview of a proposed MRS Amendment to rationalise the Stirling Highway Reservation that has been prepared by the Western Australian Planning Commission (WAPC) and released for public consultation. The comment period closes on 27 July 2012.

**BACKGROUND****Media Statement**

A media statement on the MRS Amendment was released by the Planning Minister, the Hon. John Day, on 21 March 2012 and advised:

*The State Government has released for public comment an amendment to the Metropolitan Region Scheme to facilitate the improvement of Stirling Highway over the next 20 years.*

*While Stirling Highway's configuration would remain two lanes each way, the amendment proposed some adjustment to the current road reservation which would help better meet local traffic needs and cater for users of the road into the future.*

*Stirling Highway is an integral part of Perth's road network for local residents and the thousands of motorists, pedestrians, cyclists and public transport users that travel along it each day.*

*This amendment is an opportunity for the public to consider and comment on transport planning and the long term design of Stirling Highway, the historical link between Perth and Fremantle.*

*It will allow for improved road safety focusing on pedestrian, cyclist and public transport amenity and provide consistent planning guidance across seven local councils for the next two decades.*

*This process would help to provide clarity and certainty for landowners along the highway, many of whom have been significantly affected by the reservation since 1963.*

*Proper planning for improvements along Stirling Highway has long been needed and it is crucial that the State Government provides this certainty as Perth grows.*

*Put simply, we have arrived at a situation in which the reserve as currently applied is too wide in some locations while not wide enough in others.*

*The amendment identifies more than 25 hectares of private land that is surplus to highway requirements, which is currently included in the road reservation, and the amendment proposes to rezone the land to remove restrictions on future development.*

*There are, however, certain areas where increases or minor variations to the current reserve are proposed - affected landowners will be contacted individually and these adjustments will be subject to extensive public consultation.*

*Without agreement on a future plan for Stirling Highway, it will not be possible to co-ordinate improvements that are vital to its continued safe use as Perth grows during the next 20 years.*

### **Amendment Report**

The MRS Amendment report details the background to the proposed changes. The main points are summarised as follows:

- Stirling Highway has been reserved in the MRS since 1963. Under the current MRS it has the status of a Primary Regional Roads reservation. The originally gazetted regional road reservation was approximately 80 metres wide, more than twice the width necessary for such a regional road;
- Amending the reservation over Stirling Highway will provide clarity and certainty for future road planning and orderly land use planning along the urban corridor;
- Stirling Highway traverses seven Local Government Areas (LGAs) and requires consistent regional road planning and design guidance across municipal boundaries for long term safety and amenity of road users;
- From the mid 1990s until recently the WAPC supported the practice of imposing a 5 metre interim setback from Stirling Highway for any proposed development or subdivision north of Jarrad Street in Cottesloe, thus permitting development within the remaining MRS reserve. In 2009 this interim setback reservation was extended to North Fremantle for consistency but was based on little practical road design consideration. Interim setbacks are no longer

used for assessment, with subdivision and development proposals presently assessed against the proposed MRS Amendment, given its advanced detail;

- In 1999, the Stirling Highway Reservation Planning Review (SHRPR) proposed a decrease of the Stirling Highway reservation between Jarrad Street, Cottesloe and Winthrop Avenue, Subiaco. This study was completed by Main Roads WA in 2002 and concluded that future traffic volumes on Stirling Highway were likely to increase marginally over future decades depending on development densities and the move towards more sustainable transport. Four lanes (two each way), a central median, intersection improvements, improved pedestrian/cyclist facilities and public transport priority measures were identified as necessary for ultimate road design;
- In 2006 the Infrastructure Coordinating Committee (of the WAPC) required that any review of MRS road reservations in inner urban areas include planning for 5.1 metre verges to accommodate better pedestrian amenity and adequate off-road space for the provision of underground services and landscaping;
- The proposed MRS Amendment and accompanying Concept Design Plans seek to modify the existing reservation to match the road design that has been developed during the past decade; and
- In 2006, the WAPC initiated the Stirling Highway Activity Corridor Study (SHACS) which is a project working group that has no formal status but has provided a forum for regional and local government specialist stakeholders to share issues and understand competing interests in terms of the highway's function. The MRS Amendment is part of SHACS Phase 1 focussing on regional transport;

### **SUMMARY OF PROPOSED CHANGES**

As described in the report, the MRS Amendment and supporting Concept Design Plans attempt to satisfy the following criteria (subject to existing development and constraints):

- Verges of 5.1m width on both sides of Stirling Highway, reduced to 4.5m in constrained areas and to an absolute minimum of 4.1m in severely constrained isolated locations;
- 1.5m on road cycle lane in each direction;
- Bus priority treatment at traffic-signalised intersections, generally an additional lane (designated bus lane) serving as a left turn pocket, and prioritised controls to favour Transperth buses;
- 3.5m wide traffic lanes (two lanes in each direction);
- 2m to 5.5m width central median (to cater for central street trees, right turn lane pockets and pedestrian refuges);

- Consolidated right turn lanes to reduce the potential for traffic conflict along Stirling Highway (informed by relevant LGA and Main Road officers); and
- Adaptive design to minimise impacts on State Heritage property.

The proposed road carriageway plans are a guide, not a definitive plan, and future road planning by the relevant State authority may vary the present design based on best practice (subject to further consultation).

### **RELATIONSHIP TO WAPC STRATEGIES & POLICIES**

In preparation of this MRS Amendment the following WAPC strategies and policies have been taken into consideration:

- Directions 2031 and Beyond;
- Draft Central Metropolitan Perth Sub-Regional Strategy;
- State Planning Policy 4.2 Activity Centres for Perth and Peel;
- Development Control Policy 1.6 Planning to Support Transit Use and Transit Orientated Development (DC 1.6); and
- Development Control Policy 1.7 General Road Planning (DC 1.7).

These are all relevant strategy and policy considerations providing guidance on accommodating Perth's future growth.

### **STAFF COMMENT**

#### **Overall initiative**

The proposed MRS Amendment to rationalise the Stirling Highway Reservation has significant implications for many residential and commercial properties located along the highway in Cottesloe and in the neighbouring LGAs. However, as in most localities the affected properties are partially or wholly situated within the existing MRS road reservation, the proposed overall reduction should generally be less of a hindrance to property owners wishing to possibly subdivide or develop their properties in the future.

#### **Properties owned by or vested in the Town**

The following lots are owned by the Town and are affected by the MRS Amendment. However, due to the proposed rationalisation of the road reserve these lots would no longer be affected by the reserve and would be zoned 'Urban' under the MRS. This should be an advantage to the Town when considering future development proposals on the land.

Lot 2	24 Station Street – sump site
Lot 3	22 Station Street – sump site

#### **Invitation from the Department of Planning (DOP) to address Council**

The DOP has offered to go through the MRS Amendment with Council to assist in the understanding of the amendment documents. This is considered to be worthwhile

and should be arranged as soon as possible to ensure that Council is fully briefed prior to making a formal submission on the MRS Amendment.

**Conclusion**

The proposed rationalisation of the Stirling Highway road reservation has merit but also has potential far-reaching implications on individual properties within the Town's boundary and beyond. The impacts on heritage-listed buildings will also need careful consideration by Council and the WAPC as various heritage properties have little or no setback to Stirling Highway and may be affected by the MRS Amendment proposal (eg: Albion Hotel).

The information provided in the MRS Amendment and accompanying Concept Design Plans only focus on regional transport initiatives. It is in the next stage that it is intended to focus on land use and urban design opportunities for Stirling Highway and SHACS will continue to have an important role in providing a forum to ensure continued representation by the Town.

Following a briefing of Council from the Department of Planning it is recommended that this matter be referred back to Council for further consideration and a formal submission being made to the WAPC on the proposed MRS Amendment.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

The Manager Development Services explained the preliminary report as a prelude to a briefing of elected members and staff on the proposed MRS Amendment by the Department of Planning, to facilitate a future submission by Council. There was general discussion about the implications for the local traffic network and the extent of information provided to landowners. It was agreed that any expansion of Council resolutions should await the briefing and further consideration.

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Walsh, seconded Cr Strzina**

**THAT Council:**

- 1. Notes this preliminary report regarding the MRS Amendment for the rationalisation of the Stirling Highway reservation.**
- 2. Request that the Department of Planning give a briefing to Councillors on the proposed MRS Amendment to further explain the full implications to the Town of the proposed changes to the road reservation prior to a formal submission being made by Council.**

**Carried 9/0**

**11.1.2 PRELIMINARY REPORT ON HERITAGE LIST FOR LOCAL PLANNING SCHEME NO. 3**

**File No:** SUB/740  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Andrew Jackson  
Manager Development Services

**Proposed Meeting Date:** 16 April 2012  
**Author Disclosure of Interest:** Nil

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**BACKGROUND**

This report briefs Council and seek direction towards a Heritage List for Local Planning Scheme No. 3 (LPS3). It also outlines how heritage will function under the new scheme.

Under current Town Planning Scheme No. 2 (TPS2), Part 6 and Schedule 1 deal with the *Conservation and Preservation of Places of Natural Beauty and Historic Buildings and Objects of Historic or Scientific Interest* (ie heritage). The provisions enable Council to identify such heritage features and protect them via an approval process, acquisition and agreements; all with the statutory force and effect of a scheme. Schedule 1 lists high-order heritage places. Part 6 as written is peculiar to TPS2 as originally created and is essentially outdated.

The Town's Municipal Heritage Inventory ("MI" for short) exists as a database and policy instrument separate from but complimentary to TPS2. Heritage places or phenomena are ranked in categories of importance and their heritage values are taken into account when considering development proposals, conservation works, heritage grants and so on.

Under draft LPS3, heritage is addressed by Part 7: *Heritage Protection*, which is a generic section in today's schemes derived from the Model Scheme Text. The range of heritage provisions is wider and more specific than in TPS2, including a Heritage List as part of the Scheme, which this report focuses on.

The MI will continue to operate together with LPS3, as above.

**ROLE OF HERITAGE IN SCHEMES**

Schemes have traditionally embraced heritage as a component of the planning system and are a key vehicle for local governments in heritage protection and conservation. This is enabled by the *Planning & Development Act 2005* in conjunction with the *Heritage of WA Act 1990*.

As a complimentary measure, *State Planning Policy 3.5: Historic Heritage Conservation* (SPP3.5 – copy attached) is a broad-brush statutory policy steering how heritage works as part of planning schemes and related heritage instruments or methods, involving both State and local governments.

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In this connection the aims of LPS3 entail (*inter alia*) to:

- *ensure that new development is compatible with the conservation significance and aesthetic value of heritage places and areas and the coastal landscape.*

Clauses 10.2.1-2 provide that in considering applications for planning approval Council has regard to (*inter alia*):

- *any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme; and*
- *the conservation of any place that has been entered in the Register within the meaning of the Heritage of Western Australia Act 1990, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a heritage area.*

LPS3 goes on to briefly refer to heritage in certain zones, the structure planning provisions, planning application requirements and definitions.

### Special Control Areas

Further to the main heritage provisions, Part 6 provides for the designation of Special Control Areas, whereby special controls can be applied to an area in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

Special Control Area No. 1 is proposed over the primary heritage places of *Tukurua* and *Le Fanu* in order to:

- encourage conservation and restoration of the existing heritage buildings;*
- ensure that any future development does not unduly adversely affect the significance of the existing heritage buildings and their setting; and*
- ensure that any future development, including alterations and additions to the existing heritage buildings, will enhance the setting and protect the visual prominence of the existing heritage buildings.*

This is an extra layer of heritage protection and the dedicated provisions cover Council discretion for flexibility in uses and parking, heritage agreements for conservation/restoration and development application criteria to be taken into account.

### **OVERVIEW OF LPS3 PART 7**

Part 7 comprises the core provisions of LPS3 governing heritage. Their purpose is to facilitate the conservation of places of heritage value and ensure as far as possible that development occurs with due regard to heritage values. An extract conveying the detail is attached. A summary is as follows.

Part 7 fundamentally requires a **Heritage List** to be established and maintained which identifies places that are of cultural heritage significance and worthy of conservation under the provisions of the Scheme.

There is also provision for the designation of **heritage areas** if it is considered that special planning control is needed to conserve and enhance the cultural heritage

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significance and character of particular areas (ie collections of heritage places). The local government is to adopt for each heritage area a Local Planning Policy.

Council is empowered to enter into **heritage agreements** and to require a heritage assessment to be carried out prior to the approval of any development.

Provision is made for Council to offer **incentives** for heritage conservation – a prospective heritage incentives policy has been formulated.

The Scheme itself allows Council to **vary site or development standards or requirements** stipulated in the Scheme or the Residential Design Codes (except for building height) if considered necessary to conserve a heritage place on the Heritage List or enhance or preserve heritage values in a heritage area.

### Heritage List

The MI is required to be maintained by Council pursuant to the Heritage of WA Act and is a catalogue of places that provides Council with information on heritage features that are of cultural heritage significance to the community.

It is a tool that is used to discover places that might be suitable for inclusion on the State Register of Heritage Places and Council's Heritage List. All properties in Category 1 are also on the State Register. Previous Council consideration has been given to possibly including all properties within the MI Categories 1 and 2 in the Heritage List.

In current TPS2, Schedule 1 (copy attached) is effectively a heritage list, so Council has already been operating scheme heritage provisions along similar lines. It contains all of the State Register places in Cottesloe. There are 27 entries, which is an indication of the potential extent of a Heritage List under LPS3, unless Council opts to expand it as mentioned.

The Heritage List from Town of Mosman Park's Scheme 2, with 21 entries, is attached as another example; being an adjacent municipality of comparable size and historical composition.

Under a scheme the making of the Heritage List must be the subject of consultation with landowners prior to determination. In intended LPS3 Council has added a right of review (appeal) in this respect.

### **OUTLINE OF HERITAGE LIST PROCESS**

It is emphasised that this report does not propose a Heritage List at this stage. The preliminary report is to inform Council of the framework, mechanism and process involved, for guidance in preparing the Heritage List in anticipation of LPS3. An initial Heritage List will be prepared for Council adoption and is not a finite list, in that over time it can be added to, subtracted from or modified in accordance with the same process. Even without a Heritage List the MI will continue to function.

SPP3.5 describes the **establishment of a heritage list** as follows:

- *A heritage list established pursuant to a local planning scheme should be compiled having regard to the places identified in the inventory. A local*

*government may elect to include all of those places in its heritage list, or may include a smaller sub-set of places.*

- *The standard procedures for the compilation of a heritage list are set out in the Model Scheme Text.*
- *The inclusion or exclusion of places from a heritage list should be based on their degree of historic heritage significance, supported by the findings in the inventory, irrespective of whether they are privately or publicly owned.*

LPS3 in clause 7.1 prescribes the **procedure for compiling a Heritage List**, which involves:

- Consideration of the MI, from which Council may draw entries to the list as it deems appropriate (amongst other sources).
- Written notification and information to the owners and occupiers of each place under consideration for the list, inviting submissions.
- Other consultations as desired.
- Consideration of submissions and determination of inclusions, exclusions and modifications for the list.
- Notification of places included on the list to the WAPC, HCWA, owners and occupiers.
- Keeping a copy of the list available for public inspection.

Under clause 7.7 a place owner has a right of review to the SAT regarding a Council decision to include, exclude or modify the place on the list. If the consultation process is done well appeals should be minimised.

The Heritage List is to be **derived from a range of sources** as follows:

- State Register of Heritage Places.
- TPS2 Schedule 1.
- TPS2 Policy 12: Places of Cultural Heritage Significance.
- Municipal Inventory.
- Former studies by Council in evolving its heritage databases and approaches.

By way of previous consideration, in 2001 Council adopted TPS2 Policy 12 (copy attached) as an interim step to provide a level of protection for those properties listed as Categories 1 and 2 in the MI that were not included in Schedule 1. Hence these properties are candidates for consideration on the Heritage List. In 2005 a *Review of MHI Category 2 Places* was completed by consultants to assist producing a list. Earlier heritage strategy deliberations (embodying suggested heritage areas) and examination of the MHI were also undertaken with a view to the LPS3 Heritage List. Officers will recap on this material in reporting again to Council on the matter.

As well, the HCWA is a useful resource in guiding local governments on the preparation of heritage inventories or lists, with documents such as *Basic Principles for Local Government Inventories* and *Criteria for the Assessment of Local Heritage Places and Areas*.

## CONCLUSION

A Heritage List is a mandatory requirement for LPS3 and must be prepared by Council as prescribed by the Part 7 provisions. While the list and procedure cannot be formally acted on until LPS3 commences, it is timely for Council to begin

considering the draft content, consultation arrangements and decision-making context.

TPS2 Schedule 1, Policy 12 and the MI are the key databases as a starting point for Council to consider what appears on the Heritage List. Previous studies serve to define the nature and extent of places or objects considered potentially suitable for listing, as well as classifications and criteria for future inclusions or changes.

Officers propose to present all of this to Council in greater detail for in-depth discussion and consensus on the preferred approach. A workshop followed by a second report is envisaged. At this juncture Council is asked to note the necessary task and background to it, and to give any direction it wishes for officers to respond to.

### **VOTING**

Simple Majority

### **COMMITTEE COMMENT**

Cr Walsh mentioned the need to check the status of particular heritage properties such as Tom Collins House, which staff advised would be done. Committee raised the prospect of heritage areas and the Manager Development Services outlined the provisions should Council opt to pursue any. He advised that Council had given previous consideration to that approach, which could also be covered in the intended workshop.

### **OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Walsh, seconded Cr Strzina**

#### **THAT COUNCIL:**

- 1. Notes this preliminary report on a Heritage List for Local Planning Scheme No. 3.**
- 2. Agrees to an Elected Member workshop to address the detail and program for drafting a Heritage List.**
- 3. Considers any directions to staff for action in this regard.**

**Carried 9/0**

**11.1.3 CBD AND TOWN CENTRE DESIGN AND DEVELOPMENT  
CONFERENCE – SYDNEY, MAY 2012**

**File No:** SUB/38  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Andrew Jackson  
Manager Development Services  
**Proposed Meeting Date:** 16 April 2012

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**SUMMARY**

Every year in Australia a range of town planning, transport and related conferences occur in various cities, offering ideal opportunities for professional development and benefits to participating organisations. Such conferences cover current issues, overseas experience, new ideas, technical skills, workshops, field trips, networking, consultancies and so on in keeping abreast of planning matters and practices.

The above conference will be held in Sydney on 23-24 May 2012. It is identified as particularly relevant to Cottesloe in connection with Council studies undertaken in recent years and projects being implemented for the Town Centre; including dealing with the public domain, private sector proposals and State Government involvement.

This report recommends approval for the Manager Development Services to attend the conference.

**CONFERENCE POLICY**

Council's Conferences Policy applies.

*Employees who wish to attend a conference/seminar/training shall complete a Request for Training application form and submit it to the Chief Executive Officer through their Supervisor.*

*Attendance at any interstate or international conference must be the subject of an application to be considered by the Chief Executive Officer and referred to the Works & Corporate Services Committee for recommendation to Council.*

Note: The Policy was adopted some years ago and the main reason for items going to the W&CSC was if they related to that committee or for budgetary consideration. More recently reports on conferences for the Planning staff have been presented to the Development Services Committee as the logical forum before recommending to Council.

*The following expenses for approved conferences/seminars/training will be met by Council:*

- (a) Registration fees;*
  - (b) Return fares and other necessary transport expenses;*
  - (c) Reasonable accommodation and living expenses.*
-

*Where possible expenses are to be pre-paid.*

*All expenditure is to be accounted for prior to reimbursement.*

### **FINANCIAL IMPLICATIONS**

The estimated cost of registration, accommodation, travel and meals for the conference is \$2,500-3,000 and can be met by the current training/conference budget for Planning staff.

### **CONFERENCE OVERVIEW**

The conference is a national event aimed to attract planners, designers, place-makers, urban economists, the development industry and many others associated with town centre vitality.

It concentrates on planning, designing and developing town centres to optimise economic and community benefits, entailing two days of detailed analysis, leading knowledge, educational workshops and interactive discussion.

The program features a comprehensive array of expert speakers and case studies to provide attendees with the latest information and advice on how to best address the planning, design and management of key community hubs.

With local governments, developers and businesses seeking to enhance the amenity and economic activity of CBDs and town centres, the conference will demonstrate how these spaces can be sculpted to achieve robust results for the overall community, including revitalisation plans and economic development strategies.

Speakers include:

- Giovanni Cirillo, Executive Director, Urban Renewal and Major Sites, NSW Department of Planning and Infrastructure.
- Andrew Wear, Regional Director, Metropolitan Melbourne, Victorian Department of Planning and Community Development.
- Stephen Sully, General Manager City Development, Brimbank City Council.
- Russell Luhrs, Executive General Manager, Planning and Infrastructure, Springfield Land Corporation.
- Shawn Day, City Centre Place Manager, Brisbane City Council.
- Merryn Spencer, Creative Broker, City Culture, Tourism & Recreation, Parramatta City Council.
- Evelyn King, CEO, Newcastle Business Improvement Association.
- Bronwyn Clarke, Project Manager, Lane Cove Alive.
- Shannon Davies, Place Manager, Moe Activity Centre, Latrobe City Council.
- Tony McNamara, Director of Planning and Environment, City of Canada Bay.
- Ursula Lang, Urban Renewal Manager, Rhodes Peninsula, City of Canada Bay.
- Shannon Davies, Place Manager - Moe Activity Centre, Latrobe City Council.
- Aaron van Egmond, Director Development Services, Towong Shire Council.
- Monica Cologna, Team Leader, Strategy, Planning and Environment, Auburn City Council.
- Richa Swarup, Coordinator Urban Design, City of Yarra.
- Georgia Vitale, Senior Consultant, Sustainability, Arup.

Topics include:

- Centres Design Guidelines – NSW Department of Planning and Infrastructure.
- Place Management – Harnessing Economic Growth in Brisbane City Centre Over the Next 20 Years.
- Partnerships, Action, Courage and Patience – the Key Ingredients of Successful Town Centres.
- Ensuring Sustainable Activity Centre Development.
- Viable and Effective Sustainability Integration in Precinct Development.
- Revitalising Yarra’s Activity Centres – Challenges and Opportunities in Managing Development and Change.
- Alternative Collection Technologies.
- Building the Business Case for CBD and Town Centre Development.
- Revitalisation – Sparking Life Back into Existing CBDs.
- Revitalising Moe – a Small Town’s Ongoing Transition.
- Lane Cove Alive – a Unique Town Centre Revitalisation Governance Model.
- Town Centres as Community Precincts – Lessons from Melbourne’s Growth Areas.
- Community and Economic Benefits of the Auburn Town Centre Public Domain Plan.
- Social Infrastructure – from Vision to Reality.
- Delivering Local Government Projects – Effective Partnerships with the Private Sector.
- Enhancing Economic Activity – Trends and Tactics.
- No Magic Bullets.
- Place-making as a Catalyst for Urban Renewal.
- Masterplanning and Design – Case Studies and Learnings.
- Nowra CBD – a Living Place.
- Rhodes West Station Precinct – Stage 2 Rhodes West Master Plan.
- Mackay City Centre – Meeting the Challenge of Public Realm Improvement in a Growth Region and Mackay City Centre Public Realm Concept.

It is apparent that the nature and diversity of speakers and topics forming the conference are very relevant and useful to the numerous planning aspects and options facing Cottesloe regarding the future of its Town Centre, local centre and beachfront precincts.

While some conferences are intentionally broad and general, the advantage of this particular event is its specialised focus and the gathering of like-minded professionals to explore enhanced approaches to the planning, development and wellbeing of Town Centres as the hearts of urban settlements.

## **VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Walsh, seconded Cr Strzina**

**THAT Council approve attendance of the Manager Development Services at the CBD and Town Centre Design and Development Conference in Sydney on 23-24 May 2012, and request that a report be provided within two months of the event.**

**Carried 9/0**



**11.2 WORKS AND CORPORATE SERVICES COMMITTEE MINUTES - 17 APRIL 2012****11.2.1 TENDER – IT SERVICES FOR THE TOWN OF COTTESLOE (RFT 01/2012)**

**File No:** SUB/1346  
**Responsible Officer:** Carl Askew  
**Attachment:** [Confidential Memo](#)  
**Author:** Chief Executive Officer  
Mat Humfrey  
Manager Corporate Services

**Proposed Meeting Date:** 17 April 2012

**Author Disclosure of Interest:** Nil

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**SUMMARY**

Council is being asked to consider a recommendation to accept the tender from Ocean IT Pty Ltd from 1 May 2012 to 30 June 2013.

**BACKGROUND**

The Town outsources the maintenance of its IT infrastructure and software to contractors, as this has shown to be the most cost effective and efficient way of acquiring these services. The cost of these services is approaching \$100,000 per annum, which is the threshold at which tenders must be called. As such a Request for Tender document (RFT) was compiled and tenders called for in March 2012. Tenders closed on 29 March 2012.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

**FINANCIAL IMPLICATIONS**

The tender price is within the amount included in the draft budget for this item.

**SUSTAINABILITY IMPLICATIONS**

Nil

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**CONSULTATION**

The Tender was advertised in the West Australian on 10 March 2012. The advertisement was effective with 41 companies requesting the tender documents.

**STAFF COMMENT**

The tender was well received by the IT Industry with 41 different companies requesting the tender documents be sent to them. A total of 7 tenders were received, with only one being ruled as non-complying. Complying tenders were received from:

- Anittel
- Moncreiff
- Ocean IT
- Provida IT
- Torque IT
- TSA Corporation

A non-complying tender was also received by IT Gold. The 6 complying tenders were separated by 17 points on the assessment scale, with the lowest score being 77 points and the recommended tenderer receiving the highest on 94 points.

Tenders were assessed against the criteria within the request for tender documents, being:

Compliance with the request	20%
Experience	35%
Capacity	20%
Value for money	20%
Sustainability	5%

An assessment matrix has been supplied as a confidential attachment, as it contains information about the applicants that could be considered commercially sensitive. All tenderers will be advised in writing of the outcome of the tender process, including their assessed score and how it compared to the eventual contract recipient. If required, a more detailed explanation of their score will be provided to them.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rowell, seconded Cr Strzina**

**THAT Council accept the Tender from Ocean IT Pty Ltd for IT Services from 1 May 2012 to 30 June 2013 at a cost of \$90,513 plus GST.**

**Carried 9/0**

**11.2.2 TAPSS COMMUNITY CARE INC. OPERATING BUDGET FOR 2012 / 2013**

**File No:** SUB/204-02  
**Attachments:** [TAPSS Budget for the Combined Councils DRAFT ending 30 June 2013](#)  
[Unconfirmed TAPSS Combined Councils Meeting Minutes March 2012](#)

**Responsible Officer:** Carl Askew  
Chief Executive Officer

**Author:** Mat Humfrey  
Manager Corporate Services

**Proposed Meeting Date:** 17 April 2012

**Author Disclosure of Interest** Nil

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**SUMMARY**

Council is being asked to consider the operating budget for TAPSS Community Care Incorporated for the 2012 / 2013 financial year.

**BACKGROUND**

The Town of Cottesloe has entered into an agreement with the Town's of Claremont and Mosman Park, and the Shire of Peppermint Grove to provide support services for the aged, disabled and their carers through TAPSS Community Care Inc. This agreement provides for a Combined Council's Committee, that oversees the budgeting process of TAPSS.

At its meeting on 29 March 2012, the Combined Councils Committee resolved to approve the budget presented from TAPSS, including a 3% increase in contribution from the partner local governments, and to forward it to the partner local governments for consideration.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

Combined Councils Agreement (2006)

**FINANCIAL IMPLICATIONS**

The actual cost increase to the Town is \$1,480 – with the total contribution being \$50,821.

**SUSTAINABILITY IMPLICATIONS**

Nil

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**CONSULTATION**

The draft budget was presented to the TAPSS Combined Councils meeting on 29 March 2012, which resolved to adopt the budget as presented.

**STAFF COMMENT**

The budget as presented and the cost increase of 3% represent sound budgeting from the staff at TAPSS Community Care Inc. In the current environment, containing costs increases to 3% is quite an achievement.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rowell, seconded Cr Strzina**

**THAT Council endorse the TAPSS operating budget for the 2012 / 2013 financial year and include the amount of \$50,821 as a contribution to TAPSS in Council's draft budget for 2012 / 2013.**

**Carried 9/0**

**11.2.3 DRAFT LIBRARY BUDGET FOR 2012/2013**

**File No:** SUB/546  
**Attachments:** [Library Budget 2012 13 28 March](#)  
[Library Management Committee Budget Meeting](#)  
[April 2012 Minutes](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Mat Humfrey  
Manager Corporate Services  
**Proposed Meeting Date:** 17 April 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

Council is being asked to consider the draft budget for the joint library and its possible inclusion in the draft 2012/2013 budget.

**BACKGROUND**

The Towns of Cottesloe and Mosman Park have entered into an agreement with the Shire of Peppermint Grove for the provision of a joint library service. The Library is co-located with a community centre and the Shire of Peppermint Grove administration facility.

In 2009, construction started on the new Library building. The building set a high standard of environmental sustainability and included several advanced features that would reduce the facilities "footprint", through the use of technology and innovation.

The new library is also significantly larger than the old library and has resulted in increased operating costs. In the 2011/12 budget the allocation to the library increased by 14.7%. This represented a significant cost increase on its own and made up 1% of the 4.95% rate increase that Council implemented last year.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

Local Government Act 1995 –  
Local Government (Financial Management) Regulations 1996

**FINANCIAL IMPLICATIONS**

The draft budget as presented requests an increase in contributions of 10.4%. On its own this represents approximately a 1% increase in rates.

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**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Officers from the three local governments met and considered the draft budget on Wednesday 30 March 2012. At both of these meetings some concerns were raised about the increase in contributions being requested. The draft library budget was considered at the Library Management Committee meeting on Thursday April 6, 2012.

**STAFF COMMENT**

The Joint Library represents a significant capital investment by the Town of Cottesloe and its partners. It represents best practice in public building sustainability and is a state of the art library which provides a great service to residents.

At the time the building was commissioned, all aspects of the building were considered on a whole of life costing basis. Essentially this means that technologies were analysed over the entire life of the component and if over that lifetime costs savings were achieved, the component was included. Unfortunately some aspects were cutting edge and as such some obstacles have been encountered.

The new library is also significantly larger than what it replaced, which means that operating costs have risen. Simply, a larger building will cost more to light, heat and cool as well as clean. These cost increases are beginning to flow through.

By far the largest reason for the increased contribution, has been the ending of the warranty period of the building. This means that the partner local governments are now required to undertake all of the maintenance of the building. A detailed asset management plan has been put together and used as a basis for the building management costs.

At both the officers meeting and the Library Management Committee meeting, many questions were raised about the costings in both the Asset Management Plan and the Library Draft Budget in general. Some at the meeting felt that cost savings could be made, which would cushion the increase in contributions required.

At the Library Management Committee meeting, the committee amended the officer recommendation from sending the draft budget to Councils for adoption to sending the draft budget for consideration and feedback. While this does delay the final budget adoption for the library by several weeks, it was thought important to give the partner Councils the ability to provide feedback and consider whether the increase in contributions was acceptable.

It is the officers opinion that some of the maintenance could be postponed, done at longer intervals or perhaps done by alternate means, which would save costs in the short and long term. Partner local governments could also be asked to consider altered operating conditions in order to slow the cost increases that they face. The possibility of reducing opening hours has been raised, although no firm proposal to do this has been considered.

Council is being asked to consider the draft budget attached and to provide feedback to the Library Manager, so that final budgets can be developed and forwarded to partner local governments. Council needs to consider if it will accept the proposed cost increase, or whether it will suggest an alternative. At this stage, there are no indications from the other partner local governments as to what their intentions are, although previous increases have been supported.

If Council opts not to endorse the draft budget as presented, it could opt to:

- (a) Suggest an increase in contributions that it would be willing to endorse
- (b) Reject the draft budget as presented.

At this stage it is not recommended that Council make a specific recommendation as to where any cost savings could be made. The reason for this is that any costs that are changed will have an impact on either the service level or other costs, which can be difficult to gauge without all of the data. If Council believes that costs savings could be made, the best option is to provide an increase in contributions (as a percentage) that it would be willing to accept and ask the Library Management Committee, in conjunction with the Library Manager, to find cost savings to achieve this target.

#### **VOTING**

Simple Majority

#### **OFFICER RECOMMENDATION**

Moved Mayor Morgan, Seconded Cr Boland

THAT Council:

1. Endorse the draft library budget as provided by the Library Management Committee; and
2. Authorise a 10.4% increase in contributions to the library in the 2012/2013 draft budget.

#### **AMENDMENT**

Moved Mayor Morgan, Seconded Cr Boland

That points (1) and (2) in the officer recommendation be replaced with "THAT Council request that the Library Management Committee provide information and recommendations in relation to potential expenditure savings and additional income with regard to the 2012/13 draft budget."

Carried 5/0

#### **COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Rowell, seconded Cr Strzina

**THAT Council request that the Library Management Committee provide information and recommendations in relation to potential expenditure savings and additional income with regard to the 2012/13 draft budget.**

**Carried 9/0**

**11.2.4 LEASE AGREEMENT – SEAVIEW KINDERGARTEN**

**File No:** SUB/122  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Mat Humfrey  
Manager Corporate Services  
**Proposed Meeting Date:** 20 March 2012  
**Author Disclosure of Interest** Nil

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*This item was withdrawn administratively due to delays in obtaining supporting documentation from the Town's solicitor prior to the commencement of the meeting.*



**11.2.5 TOWN OF COTTESLOE DOGS AMENDMENT LOCAL LAW 2012**

**File No:** CLL/9  
**Attachments:** [Dogs Local Law 2012 Amendment](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Mat Humfrey  
Manager Corporate Services

**Proposed Meeting Date:** 17 April 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

Council is being asked to consider the Town of Cottesloe Dogs Amendment Local Law 2012 and authorise advertising the local law for public comment.

**BACKGROUND**

In June 2011, Council resolved to adopt the Town of Cottesloe Dogs Local Law 2011. Following this, the local law was published in the Government Gazette and forwarded to the Joint Standing Committee on Delegate Legislation for their consideration.

As a part of this process, several issues were addressed by the JSCDL. In effect the issues could be summarised as several minor drafting changes and three subclauses which repeat provisions contained within the *Dog Act 1976*.

In order to ensure the passage of the Dogs Local Law 2011, Council resolved at its meeting in October 2011 to give an undertaking that these matters would be dealt with. In order to do this, Council either needs to adopt a new local law or an amendment local law, which makes the changes required.

**Purpose:** An amended local law that complies with the Joint Standing Committee on Delegated Legislation's undertakings.

**Effect:** To implement the undertakings that were provided to the Joint Standing Committee on Delegated Legislation, that clarify certain issues within the Dogs Local Law 2011.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

Local Government Act 1995

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Clauses 3.5 to 3.17 of the Local Government Act 1995 contain the provisions for creating local laws.

Dog Act 1976

**FINANCIAL IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

If Council resolves to accept the officer recommendation, the Dogs Amendment Local Law 2012 will be advertised for public comment.

**STAFF COMMENT**

The undertaking given by Council in October 2011 provided that the changes as specified in the Dogs Amendment Local Law would be implemented. Further it also provided that the parts of the local law in question would not be enforced, contrary to the undertakings given.

The option of introducing an amendment local law was considered the most efficient way to effect the changes due to the reduced scope of the local law, as well as the reduced printing and advertising costs. If the entire local law was redrafted and advertised for comment, all aspects of the local law would be open for comment and debate. The amendment local law means that only the undertakings provided by Council are open for comment or change.

The minor drafting changes within the Dogs Amendment Local Law do not affect the function or enforcement of the local law in anyway. A new definition, for a children's playground has been included and some words removed from a clause that deals with children's playgrounds. This is a purely a clarification and does not affect the operation of the local law in anyway.

The deletion of subclauses 4.2(3) to (5) is required as these are a duplication of what is included in the Dogs Act 1976 itself. From an operational point of view, it means that instead of an infringement being issued under the local law, they will need to be issued under the Act for these specific offences. All rangers are authorised officers for the purposes of the Dog Act 1976, so this is not a concern, it will simply mean that the infringement notice issued will be slightly different.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rowell, seconded Cr Strzina**

**THAT Council:**

- 1. Endorse the Town of Cottesloe Dogs Amendment Local Law and authorise the Chief Executive Officer to advertise the local law as attached for public comment**
- 2. Endorse the Purpose and Effect of the Town of Cottesloe Dogs Amendment Local Law 2012 as detailed in this report**
- 3. Set the final day for submissions to be Monday, 11<sup>th</sup> May 2012.**

**Carried 9/0**

*Mayor Morgan, Cr Pyvis and Cr Downes declared a proximity interest in Item 11.2.6 due to owning property adjacent to the Golf Club and left the room at 7.38PM.*

*Cr Strzina and Cr Walsh declared an impartiality interest in Item 11.2.6 due to being members of the Golf Club and stated that there may be a perception that their impartiality on the matter may be affected and declared that they would consider the matter on its merits and vote accordingly.*

Due to the Mayor's declaration Cr Walsh, as Deputy Mayor, presided for this item.

### **11.2.6 SEAVIEW GOLF CLUB MANAGEMENT PLAN**

**File No:** SUB/235  
**Attachments:** [DRAFT Seaview Golf Club Management Plan](#)  
[Minutes of the Meeting with Cottesloe Coastcare re plan](#)  
[Minutes of the Meeting with Seaview Golf Club re Plan](#)  
[Definition of Links Golf Course](#)  
[Copy of SVGC letter re working party](#)  
[Copy of SVGC Bore Water Licence](#)

**Responsible Officer:** Carl Askew  
**Chief Executive Officer**

**Author:** Geoff Trigg  
**Manager Engineering Services**

**Proposed Meeting Date:** 17 April 2012

**Author Disclosure of Interest** Nil

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### **SUMMARY**

The Seaview Golf Club has a 21 year lease from the Town of Cottesloe which expires on 30<sup>th</sup> June 2026. Under clause 13 of that lease, a Management Plan is required for the lease area, to be updated every 3 years. The updated plan has been supplied by the Club for the period 1 July 2012 to 30 June 2015. This matter was most recently considered by Council at the December 2011 meeting.

At its meeting in December 2011, it was resolved that Council:

- 1) Note the public comment received in relation to the Seaview Golf Club Draft Management Plan and incorporate revisions into the Management Plan for 1 July 2011 to 30 June 2014.*
  - 2) Refer back the Management Plan to Council in February 2012, for consideration and approval.*
  - 3) Establish a working party of the Manager Engineering Services, a Cottesloe Coastcare representative, a Seaview Golf Club representative and a Councillor, to develop a revised Management Plan.*
-

Cr Pyvis, the Sustainability Officer and the Manager Engineering Services met with a Cottesloe Coastcare representative on the 18/1/2012 to discuss this matter. A further meeting was held with representatives of the Seaview Golf Club on the 15/2/2012 on the same matter and to discuss the Cottesloe Coastcare's comments.

The draft Seaview Golf Club Management Plan, 1 July 2012 to 30 June 2015, has now been received.

The recommendation is that Council:

1. Receive and endorse the content of the draft Seaview Golf Club Management Plan for the period 1 July 2012 to 30 June 2015.
2. Authorise the CEO to sign the Management Plan on behalf of Council.

### **BACKGROUND**

Council considered the Management Plan and the further information in May 2011 and resolved:

*That Council:*

- 1) Note the draft content of the Seaview Golf Club Management Plan for the period 1 January 2011 to 31<sup>st</sup> December 2014.*
- 2) Refer the matter back to administration for further comment and information on performance against KPI's (appendix A) compliance with the Management Plan in Appendix B and changes compared with previous management plans.*
- 3) Request that the report include information on water usage from bores, salinity and herbicides and fertilizers for other Council reserves.*

The Seaview Golf Club provided information regarding Appendix A, as per the Management Plan. Appendix B information has previously been provided. In addition, as per item 3 of Councils' resolution, information is provided (in the attachments) regarding Councils' bore water use, salinity, herbicide and fertilizer use, on Council reserves.

This matter was again considered by the Committee at its September 2011 meeting, with a resolution that Council:

- 1) Receive and endorse the content of the Seaview Golf Club Management Plan for the period 1<sup>st</sup> January 2011 to 31<sup>st</sup> December 2014.
- 2) Authorise the CEO to sign the Management Plan on behalf of Council.

This resolution was not adopted at the September 2011 Council meeting.

The purpose of the Management Plan is to record and communicate the Seaview Golf Club's safety and environmental policies and procedures with respect to the golf course and the reserves on which it resides.

The 21 year lease commenced in 2005, and the commencement or first Management Plan was accepted by Council in that year. This latest version is the third plan, each plan applying to a 3 year period.

The second three year plan, from 2008 to 2011, was provided by the club, inspected by staff and approved by Administration, with no period of public comment.

The Council resolution from the December 2011 meeting requiring a working party composed of Council staff and a Councillor, representatives from Seaview Golf Club and also from Cottesloe Coastcare was not accepted by Seaview Golf Club, in regards to the Cottesloe Coastcare being formally involved in the content of the Management Plan.

Arrangements were then made for the Cottesloe Coastcare comments to be discussed at a meeting with staff and Cr Pyvis. The results of that meeting were then the focus of the second meeting, with Seaview Golf Club representatives, as well as Council – requested modifications and additions.

### **STRATEGIC IMPLICATIONS**

The Town of Cottesloe Future Plan 2006 – 2010 makes no comment in regards to the Seaview Golf Club.

### **POLICY IMPLICATIONS**

Nil

### **STATUTORY ENVIRONMENT**

The Town of Cottesloe and the Seaview Golf Club are the signatories to a legally drawn up 21 year lease document, of which approximately 15 years still applies. Any changes required by Council of the club, within a Management Plan, must comply with the conditions of the lease.

### **FINANCIAL IMPLICATIONS**

Nil

### **SUSTAINABILITY IMPLICATIONS**

The Management Plan has, amongst the Vision and Objectives of the Management Plan, an objective to maintain the reserve as a scenic and sustainable amenity for the local community.

### **1.2 VISION AND OBJECTS OF THE SEA VIEW GOLF CLUB**

*The vision of the SVGC is to continue to preserve the natural heritage of the reserves and golf course and to ensure the conservation and enhancement of the local environment whilst providing an affordable, high quality golfing experience to members and visitors for the benefit of current and future generations.*

*Consistent with the Club's constitution, the objects of the SVGC are as follows:*

- *To conduct a golf club and to provide a golf course, a clubhouse and associated facilities for the use of members and visitors*
- *To promote, encourage and foster the playing of the game of golf and to provide all things incidental to the attainment of these objects*
- *To promote, encourage and foster junior golf*
- *To maintain the golf course as a focal point within the Town of Cottesloe*

- *To maintain the reserves as a scenic and sustainable amenity for the local community*

### **2.1.1 OBJECTIVES**

#### **SUSTAINABILITY**

*The Sea View course is a links course with predominantly native vegetation and consequently it is water efficient when compared with most other Perth metropolitan courses. The SVGC will continue to follow a sustainable and waterwise approach with respect to ground water management.*

#### **AREAS UNDER IRRIGATION**

*Irrigation will continue to be limited to:*

- *Teeing grounds and their surrounds*
- *Fairways and their surrounds*
- *Greens and their surrounds*
- *Those trees, bushes, shrubs and plants that require irrigation during dry months*

*A maximum of 14.5 hectares of the 19 hectare site will be under irrigation at any point in time.*

#### **GROUND WATER USAGE**

*The objective of the SVGC is to use the minimum ground water necessary for the proper upkeep of a Grade A golf course whilst complying with Department of Water licensing conditions.*

*The golf course is subject to inspection by the Western Australian Golf Association on a periodic basis.*

*Water usage is influenced on a daily basis by weather forecasts and weather conditions.*

#### **GROUND WATER SALINITY**

*Bore water salinity levels vary seasonally and in the longer term are influenced by broader considerations such as climate change and policies governing community use. SVGC's objective is to fully cooperate with the Department of Water and the Town of Cottesloe in monitoring salinity levels to facilitate identification of longer term trends in salinity.*

#### **IRRIGATION TIMES**

*Watering will take place overnight when minimum evaporation of the applied water will occur. Daytime watering will take place on an exception basis under scenarios such as:*

- *A malfunction in the control systems (e.g. power surge) where overnight watering did not occur*
- *An overnight power failure*
- *The reseeded of a green or nursery*
- *Newly laid turf*

- *Hand watering of vulnerable native vegetation*

### **ABSTRACTION VOLUMES AND RATES**

*The objective of the SVGC is to ensure that abstraction volumes and rates are sustainable at each individual bore.*

### **ABSTRACTION SPREAD OVER MULTIPLE BORES**

*SVGC will cooperate with the Department of Water and the Town of Cottesloe in reviewing other possible bore locations as part of its contingency planning. Additional bores at new locations will spread the abstraction over a larger section of the aquifer and will allow a reduction in abstraction rates and/or volumes at existing bores.*

### **CONSULTATION**

The previous draft Management Plan was advertised late in 2011 and the comments received were noted at the December 2011 meeting.

### **STAFF COMMENT**

As a result of the meeting held between the Seaview Golf Club and Council representatives on the 15/2/2012, the draft Seaview Golf Club Management Plan has received a number of changes in line with discussion points from that meeting.

These changes include;

1. The time for the new 3 Year Management Plan runs from 1 July 2012 to 30 June 2015.
2. All references to the Department of Environment is now changed to the Department for Water.
3. Under Item 2 "Environmental", P4, two extra paragraphs cover the use of the Club's new E-Pan System for environmental management.
4. Under Item 2.1.3, P5, an extra point deals with the use of a reticulation water balance tank.
5. Under Item 2.1.13, P7, an extra paragraph deals with fairway grass types and their salinity profile.
6. Under Item 2.2.3, P8, a long list of native trees and shrubs suitable for planting at the Golf Course has been included, after consultation with Cottesloe Coastcare.
7. In item 2.2.5, P9, an extra line has been added covering staff programs for weed identification and treatment.
8. In Item 2.3.3, P10, a line has been added to cover the control of rabbits, and the Club's use of Phostoxin tablets and Pindone.
9. Under Item 3, P13 & 14, "Safety" – Two new paragraphs have been added covering the general heading relating to Occupational Health & Safety.

These changes provide much of the extra content requested in relation to the issues brought out in the discussion meetings with Cottesloe Coastcare and the Golf Club.

### **VOTING**

Simple Majority



## COMMITTEE DISCUSSION

The Chief Executive Officer advised that Cr Pyvis was previously nominated as the elected member to work with the Seaview Golf Club and Cottesloe Coastcare with regard to the SVGC Management Plan. He further advised that all committee members had been provided with a handout from Cr Pyvis with regard to suggested changes to the SVGC Management Plan.

The Manager Engineering Services advised that he had presented Cr Pyvis's suggested changes to the SVGC and he had distributed a copy of their initial response to elected members. The Manager Engineering Services advised that SVGC were open to the majority of the suggested changes, but that it had been indicated Board approval would be required for some.

Committee discussed areas of salinity, rabbit control, tree species selection and the ongoing collaboration with Cottesloe Coastcare as areas for further refinement in the Management Plan. Cr Pyvis suggested that a copy of the Natural Areas Management Plan be provided to the SVGC for their information.

In relation to the officer report Cr Pyvis noted under the heading of "sustainability" that the reference to "predominantly native" vegetation should reflect that the course has minimal remnant native vegetation. She also noted an error in the staff comment section, item (3) where the word "E-Pan" should be "E-Par".

The specific changes to the Management Plan suggested by Cr Pyvis and agreed by SVGC included;

Section 2.1.13	<u>Key Performance Indicators – Ground Water</u> Reference to water quality standards. This will be changed to reflect the Department of Water standard of "below 1500ppm".
Section 2.2.1	<u>Objectives</u> Amend the words "also maintains" to "will maintain"
Table 2.2.3	Delete "Macrozamia riedlei" and insert "Macrozamia frazeri" Delete "Senecio lautus" and insert "Senecio condylus" Add "Goodenia Scaevola crassifolia" and "Asteraceae Olearia axillaris"
Table 2.3.2	Add Straw Necked Ibis
Section 2.2.1	<u>Objectives</u> Inclusion of a reference to the Cottesloe Native Garden, as follows; "In particular, the area known as the Cottesloe Native Garden (adjacent to Broome Street) has been identified as a special site in the Natural Areas Management Plan (NAMP) adopted by Council. Any planting or maintenance done in this area will be the primary responsibility of Cottesloe Coastcare Association, to meet the objectives of the NAMP adopted by Council. SVGC will continue to retain full control of the area within the lease but will aid, where possible, Coastcare volunteers improving this site".
Section 2.3.3	<u>Wildlife Projects</u>

Amend the first line to read; “The Sea View Golf Club will continue to consider, implement and report to the Town of Cottesloe on a number of wildlife related projects, depending on funding and expenditure implications, including;”.

### **OFFICER RECOMMENDATION**

Moved Cr Rowell, Seconded Cr Boland

THAT Council:

1. Receive and endorse the content of the draft Seaview Golf Club Management Plan for the period 1 July 2012 to 30 June 2015.
2. Authorise the CEO to sign the Management Plan on behalf of Council.

### **AMENDMENT**

Moved Cr Rowell, Seconded Cr Boland

Amend the recommendation in part (1) by inserting the words “as amended by the Works and Corporate Services Committee on 17 April 2012” after the words “Management Plan”.

Carried 4/0

### **COMMITTEE RECCOMENDATION**

Moved Cr Rowell, seconded Cr Jeanes

THAT Council:

1. **Receive and endorse the content of the draft Seaview Golf Club Management Plan as amended by the Works and Corporate Services Committee on 17 April 2012, for the period 1 July 2012 to 30 June 2015.**
2. **Authorise the CEO to sign the Management Plan on behalf of Council.**

### **Council Comment:**

Cr Boland referred to the amended Seaview Golf Club Management Plan as circulated to all Elected Members by the CEO on 20 April 2012 which included the latest agreed amendments as per the Committee’s direction and which had been endorsed by the Manager of the Golf Club. As a consequence there was agreement to amend the Committee recommendation accordingly.

### **AMENDMENT**

Moved Cr Boland, seconded Cr Hart

**That the words “as amended by the Works and Corporate Services Committee on 17 April 2012” be deleted and be replaced with the following words: “as circulated to Councillors under cover of CEO memorandum dated 20 April 2012”.**

Carried 6/0

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**COUNCIL RESOLUTION**

**THAT Council:**

- 1. Receive and endorse the content of the draft Seaview Golf Club Management Plan as circulated to Councillors under cover of CEO memorandum dated 20 April 2012, for the period 1 July 2012 to 30 June 2015.**
- 2. Authorise the CEO to sign the Management Plan on behalf of Council.**

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

**Carried 6/0**

*Mayor Morgan, Cr Pyvis and Cr Downes returned to the meeting at 7.43 PM.*

**11.2.7 PEDESTRIAN LIGHT CONTROLLED CROSSING PROPOSAL - CURTIN AVENUE / FORREST STREET INTERSECTION, COTTESLOE**

**File No:** SUB/610  
**Attachments:** [Copy of Vehicle Count Results](#)  
[Copy of Pedestrian Movement Survey](#)  
[Copy of Main Roads WA requirements](#)  
[Plan of Site Proposed Pedestrian Crossing](#)

**Responsible Officer:** Carl Askew  
Chief Executive Officer

**Author:** Geoff Trigg  
Manager Engineering Services

**Proposed Meeting Date:** 17 April 2012

**Author Disclosure of Interest** Nil

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**SUMMARY**

At its February 2012 meeting, Council resolved to fund a 24 hour video survey for pedestrian's crossing Curtin Avenue at the Forrest Street intersection, to collect information to justify a light controlled pedestrian crossing on Curtin Avenue.

This survey has been completed, along with a week-long traffic count on Curtin Avenue at the same location.

This agenda item provides these survey results and recommends that Council send the results of its video survey of pedestrians crossing Curtin Avenue and the traffic counting survey for Curtin Avenue to Main Roads WA with a case for the installation of a light controlled pedestrian crossing across Curtin Avenue at Forrest Street.

**BACKGROUND**

There is a strong flow of pedestrians between the Cottesloe railway station and the Cottesloe main beach, along Forrest Street and over its intersection with Curtin Avenue. This flow is heavy in summer and light in winter. The traffic flow on Curtin Avenue, apart from Stirling Highway, is the highest in the Town of Cottesloe, and includes road trains and other heavy transport.

Because of accident statistics, Council was able to claim a Black Spot grant in 2004/05, and the Curtin Avenue / Forrest Street intersection was widened and median crossing islands installed. Main Roads WA's (MRWA) response to Council's request for a light controlled crosswalk over Curtin Avenue, similar to Grant Street, contained a standard requirement for support information relating to the volume of pedestrian crossing and the flow of traffic on Curtin Avenue.

There is no financial commitment from MRWA, for this type of crossing, to fund all works if pedestrian and vehicle numbers at the intersection reach a pre-set level. MRWA may agree, eventually, with the proposal if proof is provided as requested in their reply of the serious nature of the threat to pedestrians crossing.

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However, without substantial accident statistics, as was the case at Grant Street, no \$2 : \$1 grant basis under Black Spot grant requirements would normally apply.

Main Roads WA, even if Council funded the full installation (est. cost \$300,000 to \$400,000), still has the veto power to prevent such an installation if the design offered by Council is unacceptable or if it has unwarranted negative impact on other MRWA concerns, e.g. traffic flow on Curtin Avenue.

### **STRATEGIC IMPLICATIONS**

Under Councils' Future Plan 2006 to 2010, Objective 1 is "Protect and enhance the lifestyle of residents and visitors". Under this heading, Major Strategy 1.1 is "Develop an integrated transport strategy that includes park and ride, Cott Cat, Travelsmart, limited parking and the needs of pedestrians, cyclists and other non-vehicular traffic.

The needs of pedestrians applies to this location.

### **POLICY IMPLICATIONS**

Council has no policy dealing with pedestrian crossings.

### **STATUTORY ENVIRONMENT**

There is no statutory requirement for Council to install light controlled pedestrian crossings. Main Roads WA policy controls the installation of new crossings, with several standards to be met if MRWA approval is to be given and signage plus line marking is to be installed by MRWA contractors.

### **FINANCIAL IMPLICATIONS**

The vehicle / traffic count on Curtin Avenue was undertaken 'in house', by Council staff. The 24 hour pedestrian video survey was undertaken by a consultant for \$2,900.

Due to the lack of significant accident statistics, it is unlikely that Council would be granted a \$2:\$1 Black Spot grant for the installation of pedestrian crossing lights at this location. Therefore, if approved by MRWA, a cost in excess of \$300,000 would be expected to be funded by Council.

### **SUSTAINABILITY IMPLICATIONS**

Nil

### **CONSULTATION**

Only with Main Roads WA.

### **STAFF COMMENT**

The results of the traffic counting on Curtin Avenue have shown that the vehicle warrants required by Main Roads WA can easily be met i.e. "traffic volumes of the road exceeds 600 vehicles / hour (total both directions) or 1000 vehicles / hr (total both directions) where there is a central pedestrian refuge". This is for both the 3 hours on an average day requirement as well as on 8 hours of an average day. In regards to pedestrian crossing numbers, the 24 hour video survey covered two crossing locations – the main crossing point lining up with the south side footpath of

Forrest Street and a secondary crossing accessing Marmion Street. When these two crossing points are combined in numbers of crossing pedestrians, the pedestrian crossing warrant can be met – i.e. for each of 3 hours of an average day, pedestrian volume exceeds 350 persons per hour.

The pedestrian count was taken on a ‘school day’, the 8<sup>th</sup> March, outside of the hottest time of the year and not on a weekend. Therefore higher pedestrian figures could be expected in mid Summer, but lower figures in Winter.

This should meet Main Roads WA requirements of the count being taken on an average day.

These figures plus a case to present the need for this light controlled crossing can now be put to Main Roads WA, stressing the heavy use pedestrian route between the railway station and one of Perth’s most popular beaches, the ongoing growth of vehicle and pedestrian numbers at this location, and the resultant high potential for accidents involving pedestrians crossing Curtin Avenue.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rowell, seconded Cr Jeanes**

**THAT Council send the results of it’s video survey of pedestrians crossing Curtin Avenue and the traffic counting survey for Curtin Avenue to Main Roads WA with a case for the installation of a light controlled pedestrian crossing across Curtin Avenue at Forrest Street.**

**Carried 9/0**

**11.2.8 REQUEST FOR EXPANSION OF GRANT MARINE PARK AND ROAD CLOSURE**

**File No:** SUB/232  
**Attachments:** [Copy of Request](#)  
[Copy of 1995 Plan Showing Proposal](#)  
[Plan of Site Grant Marine Park](#)

**Responsible Officer:** Carl Askew  
Chief Executive Officer

**Author:** Geoff Trigg  
Manager Engineering Services

**Proposed Meeting Date:** 17 April 2012

**Author Disclosure of Interest** Nil

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**SUMMARY**

A request has been received from a local resident for both Hamersley Street and Hawkstone Street to be closed near the boundary of Grant Marine Park, with cul-de-sac heads to be built for both streets and the closed road section to be amalgamated into the park area, to allow an enlarged park on the south east corner to be established.

The recommendation is that Council:

1. Not proceed with actions to close the Hamersley Street / Hawkstone Street connection through Grant Marine Park to allow the park to be amalgamated with the south west corner.
2. Inform the applicant of this decision, with the reasons for the decision.

**BACKGROUND**

Grant Marine Park is a mixture of native vegetation, reticulated lawns, a shade-protected children's playground, with some use for ball sports. The south east corner is cut off from the park by the curve connecting Hamersley Street and Hawkstone Street. That corner has not been reticulated since 2009, to save bore water. Prior to this removal of reticulation, no use of this corner had been observed.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

To achieve the closure of a portion of Hamersley Street / Hawkstone Street for the expansion of Grant Marine Park, a mandatory advertised 35 day objection period for the proposed road closure must take place. Council would then consider all public comments and decide whether to proceed. All service authorities must give comment

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on their service locations with the impact of closure on their underground infrastructure. The matter is only proceeded with Landgate if Council agrees to support the proposal after these steps have been taken.

**FINANCIAL IMPLICATIONS**

To achieve the closure of this street section, re-level over the old road after removal of asphalt and kerbing, extension of the reticulation and re-establishment of the grass cover on the south east corner of the park, a cost in excess of \$80,000 is estimated. This would have to include construction of the two cul-de-sac heads.

**SUSTAINABILITY IMPLICATIONS**

More reticulated lawn area means more bore water used, grass mowing, and fertilizing. The proposal has negative sustainability implications.

**CONSULTATION**

Nil, so far. Any proposal of this scale would require substantial consultation in addition to the mandatory 35 day advertised objection period for any road closure.

**STAFF COMMENT**

Staff have not been aware of any need for the expansion of Grant Marine Park in recent years, apart from this submission. The reticulation system on this south east corner of the reserve has been turned off since 2009, with no agitation to have it returned to a reticulated lawn. Prior to this ending of reticulation, staff observed no use of this area by the general public.

If the street curved connection between Hamersley Street and Hawkstone Street is to be closed, to allow the two park sections to be amalgamated, a mandatory 35 day advertised objection period is required, then Council would reconsider any comments received on the planned closure. Staff have located a plan from 1995 showing a street closure / double cul-de-sac design, for information. This proposal was never implemented.

However, the plan does emphasise that the closest private properties to these cul-de-sac heads would experience the noise and light issues of turning traffic, compared to the 'through flow' nature of the current street curve.

**VOTING**

Simple Majority

**COMMITTEE DISCUSSION**

Cr Boland advised that he would be voting in favour of the officer recommendation and commented that previously Council had looked into identifying road treatments for this section of road. Cr Boland highlighted that the section of road in question adds connectivity to the neighbouring streets. In his opinion, the requested road closure would present some difficulty in relation to the proposed opening up of Gadsden Street to Car Park No 2. Cr Boland further stated that in his opinion, he did not believe Council was looking to spend \$80,000 on this project in light of recent budget discussions and cited fairness to other residents as a potential issue to consider in light of the request.



The Manager Engineering Services commented that if Council voted in favour with regard to the road closure, there would need to be a 35 day advertising period, and if that received a positive response, it would then need to go to Landgate for further review and would also require the various service authorities to provide comment before the road could be closed. He further commented that there would also be a requirement to provide sufficient turning space for vehicles, especially emergency vehicles.

Mayor Morgan stated that in his opinion there was not sufficient room for an “active area”. He also commented that there was a need to consider the future of the area and agreed that the native garden required some beautification to improve the vista for neighbours and residents. Committee discussed the prior decision to turn off the reticulation system to that area and the Manager Engineering Services further advised Council of a previous decision in February 2012 as part of consideration of the 5 Year Plan for Reticulation, not to proceed with local native vegetation in this area. The CEO agreed to provide separate advice in relation to this particular point prior to Monday night’s Council meeting including suggested wording for a possible amendment to the Committee recommendation.

**OFFICER & COMMITTEE RECOMMENDATION**

**Moved Cr Rowell, seconded Cr Jeanes**

**THAT Council:**

- 1. Not proceed with actions to close the Hamersley Street / Hawkstone Street connection through Grant Marine Park to allow the park to be amalgamated with the south west corner.**
- 2. Inform the applicant of this decision, with the reasons for the decision.**

**AMENDMENT**

**Moved Mayor Morgan, seconded Cr Boland**

**That a new part 3 to the recommendation be added as follows: “That Council plant the un-reticulated south east corner of Grant Marine Park with low level native/local species”.**

**Carried 5/4**

**COUNCIL RESOLUTION**

**THAT Council:**

- 1. Not proceed with actions to close the Hamersley Street / Hawkstone Street connection through Grant Marine Park to allow the park to be amalgamated with the south west corner.**
- 2. Inform the applicant of this decision, with the reasons for the decision.**
- 3. plant the un-reticulated south east corner of Grant Marine Park with low level native/local species**

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

**Carried 5/4**

**11.2.9 STATUTORY FINANCIAL REPORTS FOR THE PERIOD 1 JULY 2011 TO 31 MARCH 2012**

**File No:** SUB/137  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 17 April 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present to Council the Statement of Financial Activity, the Operating Statements by Program and by nature and Type, the Statement of Financial Position, and supporting financial information for the period 1 July 2011 to 31 March 2012 as included in the attached Financial Statements.

**BACKGROUND**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

Financial reporting is a statutory requirement under the Local Government Act 1995.

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The Statement of financial Activity on page 1 of the attached Financial Statements shows unfavourable operating revenue of \$71,060 or 4%. The main factor affecting this has been reduced revenue from parking revenue which was \$107,600 less than budgeted as at 31 March 2012. Operating expenditure is \$340,270 or 4% less than year to date budget with the material variances itemised on the Variance Analysis Report on pages 7 to 9.

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Capital expenditure is reported in detail on pages 22 to 26 of the attached Financial Statements. Capital expenditure is \$361,774 or 26% less than year to date budget most of which relates to timing differences.

Transfers both to and from reserves are more than anticipated due to budget amendments and are itemised on pages 16 and 17 of the attached Financial Statements.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rowell, seconded Cr Strzina**

**THAT Council receive the Statement of Financial Activity, Operating Statements by program and by nature and Type, statement of financial Position, and other supporting financial information as included in the attached Financial Statements for the period 01 July 2011 to 31 March 2012, as submitted to the 17 April 2012 meeting of the Works and Corporate Services Committee**

**Carried 9/0**

**11.2.10 LIST OF ACCOUNTS PAID FOR THE MONTH OF MARCH 2012**

**File No:** SUB/137  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager  
**Proposed Meeting Date:** 17 April 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the list of accounts paid for the month of March 2012, as included in the attached Financial Statements, to Council.

**BACKGROUND**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

Financial reporting is a statutory requirement under the Local Government Act 1995. Local Government (Financial Management) Regulations 1996 – Part 2 –General Financial management – s.6.10 – Lists of Accounts.

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The list of accounts paid in March 2012 is included on pages 10 to 15 of the attached Financial Statements. The following significant payments are brought to Council's attention;

- \$15,388.67 & \$15,288.09 to WA Local government Superannuation Plan for staff superannuation contributions.
  - \$12,916.15 to Synergy for street lighting charges.
  - \$18,222.21 to Cobblestone Concrete for a footpath installation at Napier Street.
-

- \$11,595.65 to water Corporation for water supplies at various locations.
- \$31,890.00 to the Australian Taxation Office for the February 2012 Business Activity Statement.
- \$10,574.30 to Wilson Technology Solutions to upgrade EnforceIT software.
- \$10,493.11 & \$16,238.11 to WMRC for waste transfer tipping fees.
- \$16,067.22 to UHY Haines Norton Chartered Accountants for the Financial Management Review.
- \$44,000.00 to Indiana Cottesloe Beach for an upgrade to the public toilets.
- \$224,801.73 to the West Australian Treasury Corporation for a loan repayment.
- \$327,341.00 to Fire & Emergency Services WA for Council's third instalment of FESA levies.
- \$47,871.12 to Transpacific Cleanaway for waste collection services.
- \$36,582.00 to Melville Mitsubishi for a new vehicle.
- \$25,789.35 to Surf Life Saving WA for our life saving contract.
- \$27912.40 to Roads 2000 for road resurfacing works
- \$40,000.00 to Sculpture by the Sea for a new sculpture.
- \$575,000.00, \$248,000 & \$250,000 being transfers to investments.
- \$74,084.36 & \$73,042.51 to Town of Cottesloe staff for fortnightly payroll.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rowell, seconded Cr Strzina**

**THAT Council receive the List of Accounts Paid for the month of March 2012 as included in the attached Financial Statements, as submitted to the 17 April 2012 meeting of the Works and Corporate Services Committee.**

**Carried 9/0**

**11.2.11 SCHEDULES OF INVESTMENTS AND LOANS AS AT 31 MARCH 2012**

**File No:** SUB/150 & SUB/151  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager

**Proposed Meeting Date:** 17 April 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the Schedule of Investments and the Schedule of Loans as at 31 March 2012, as included in the attached Financial Statements, to Council.

**BACKGROUND**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

Financial reporting is a statutory requirement under the Local Government Act 1995.

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The Schedule of investments on page 18 of the attached Financial Statements shows that \$3,634,112.32 was invested as at 31 March 2012. Approximately 39% of these funds were invested with Westpac Bank, 22% with Bankwest, 21% with National Australia Bank and 18% with the Commonwealth Bank of Australia.

The Schedule of Loans on page 19 of the attached Financial Statements shows a balance of \$6,299,275.14 as at 31 March 2012. Included in this balance is an amount of \$401,392.76 that relates to self supporting loans

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**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rowell, seconded Cr Strzina**

**THAT Council receive the Schedule of Investments and the Schedule of Loans as at 31 March 2012. These schedules are included in the attached Financial Statements as submitted to the 17 April 2012 meeting of the Works and Corporate Services Committee.**

**Carried 9/0**

**11.2.12 PROPERTY AND SUNDRY DEBTORS REPORTS AS AT 31 MARCH 2012**

**File No:** SUB/145  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Wayne Richards  
Finance Manager

**Proposed Meeting Date:** 17 April 2012  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The purpose of this report is to present the Property and Sundry Debtors Reports as included in the attached Financial Statements, to Council.

**BACKGROUND**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**STATUTORY ENVIRONMENT**

Financial reporting is a statutory requirement under the Local Government Act 1995.

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

Nil

**STAFF COMMENT**

The Sundry Debtors Report on page 20 of the attached Financial Statements shows a balance of \$36,432.69 of which \$32,854.90 relates to the current month. The balance of aged debtors is \$3,577.79.

The Rates and Charges Analysis on page 21 of the attached Financial Statements shows a total balance outstanding of \$465,472.71. Of this amount, \$191,913.09 and \$84,452.37 are deferred rates and outstanding emergency services levies respectively. The Statement of Financial Position on page 4 shows a balance of \$369,002 as compared to \$394,926 this time last year.

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**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

**Moved Cr Rowell, seconded Cr Strzina**

**THAT Council receive the Property and Sundry Debtors Reports as at 31 March 2012. Theses reports are included in the attached Financial Statements as submitted to the 17 April 2012 meeting of the Works and Corporate Services Committee.**

**Carried 9/0**

**12 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING**

**14 MEETING CLOSURE**

The Mayor announced the closure of the meeting at 7:50 PM

CONFIRMED MINUTES OF 23 April 2012 PAGES 1 – 55 INCLUSIVE.

PRESIDING MEMBER:

POSITION:

.....

DATE: ..... / ..... / .....